

City Council Agenda

Council President
Blong Xiong

Councilmembers

Oliver L. Baines III
Lee Brand
Steve Brandau – Acting President

Paul Caprioglio
Clinton J. Olivier
Sal Quintero

City Manager
Mark Scott

City Clerk
Yvonne Spence, CMC

Interim City Attorney
Francine M. Kanne

The meeting room is accessible to the physically disabled. If you require special assistance to participate in the meeting, notify the Office of the City Clerk at 559-621-7650 at least three business days prior to the meeting. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, contact Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

February 7, 2013

8:30 A.M. ROLL CALL

Invocation by Darryl Du'chene of the Faith Worship Christian Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of the P.R.I.D.E. Team Certificates – (Reception immediately following – 2nd floor foyer)

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of [January 24, 2013](#)

Action Taken:

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. [Approve agreement with Blair, Church & Flynn Consulting Engineers, Inc. in the amount of \\$114,500.00 with a contingency amount of \\$15,000.00 for the design of plans and general construction contract documents for the Browning and Palm water main replacement, and authorize the Public Works Director or his designee to sign the agreement on the City's behalf \(*Property located in District 2 & Fresno County*\) – Public Works Department](#)
Action Taken:
- B. **RESOLUTION** - [Setting the time and place for the public hearing to consider formation of Underground Utility District No. FRE-92 on the north side of Nees Avenue from 0.2 miles west of Willow Avenue to Willow Avenue \(*Property located in District 6*\) – Public Works Department](#)
Action Taken:
- C. **RESOLUTION** - [Of intention to annex Final Tract Maps No. 6003 and 6004, Annexation No. 48, to City of Fresno Community Facilities District No. 11 and to authorize the levy of special taxes; and setting the hearing for March 21, 2013 at 1:30 p.m. \(*Property located in District 6*\) \(southeast corner of E. Copper and N. Maple Avenues\) – Public Works Department](#)
Action Taken:

CONTESTED CONSENT CALENDAR

2. **GENERAL ADMINISTRATION**

- A. **Actions pertaining to airline operations agreement with Delta Air Lines, Inc., and United Air Lines Inc. – Airports Department**
1. Adopt CEQA Categorical Exemption pursuant to guidelines Section 15301 (existing facilities) to authorize an Airline Operations Agreement with Delta Air Lines, Inc., and United Air Lines Inc., to provide commercial air service at Fresno Yosemite International Airport – Airports Department
Action Taken:
 2. Authorize Interim Director of Aviation to execute new Airline Operating Agreements between the City of Fresno and Delta Air Lines, Inc. and United Air Lines, Inc., respectively for operations at Fresno Yosemite International Airport, for a term of five years with annual renewal options
Action Taken:
- B. **Actions pertaining to agreements for the installation of 8" and 12" water mains for California, for Wishon, Maroa, Indianapolis, Ashcroft, Holland, and Swift Avenues, installation of 8" and 12" water mains (*Property located in County of Fresno*) – Department of Public Utilities**
1. Adopt finding of Class 2 Categorical Exemption, pursuant to Section 15302(c) of the CEQA Guidelines, for the Wishon, Maroa, Indianapolis, Ashcroft, Holland, and Swift Avenues, installation of 8" and 12" water mains
Action Taken:
 2. Award a contract in the amount of \$869,072.14 to Todd Companies, Inc. of Visalia, California, for Wishon, Maroa, Indianapolis, Ashcroft, Holland, and Swift Avenues, installation of 8" and 12" water mains, as the lowest responsive and responsible bidder, and authorize the Public Works Director or his designee to sign the contract on behalf of the City
Action Taken:
- C. **Approve an agreement with Blair, Church & Flynn Consulting Engineers, inc. in the amount of \$254,800.00, with a contingency amount of \$40,000, for the design of plans and general construction contract documents for the widening of Peach Avenue between Jensen and Butler Avenues and authorize the Public Works Director or his designee to execute the agreement on behalf of the City (*Property located in District 5*) – Public Works Department**
Action Taken:
- D. **ITEM MOVED TO THE CONSENT CALENDAR**
- E. **Approve renewal of agreement for workers' compensation service provider contract between the City of Fresno and American All Risk Loss Administrators (AARLA) and authorize Personnel Services Director to execute agreement on behalf of the City – Personnel Services Department**
Action Taken:

3. **CITY COUNCIL**

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:45 A.M. SCHEDULED COMMUNICATION:

1. **Appearance by Mandy Soto to discuss a wrongful termination by Section 8**
2. **Appearance by Gloria Walker to discuss issues with the Fresno Police Department**

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:00 A.M.** **TEFRA HEARING** as required by Section 147(f) of the Internal Revenue Code of 1986 to hear and to consider financial information concerning the proposed issuance of Revenue Refunding Bonds by the California Statewide Communities Development Authority to finance the acquisition and rehabilitation of a 90-Unit Multifamily Low Income Residential Rental Project, commonly known as Chestnut Apartments – Finance Department
Action Taken:
a. * **RESOLUTION** - Approving the issuance by the California Statewide Communities Development Authority of Multifamily Housing Revenue Bonds in the aggregate principal amount not to exceed \$12 million for the Chestnut Apartments
Action Taken:
- 10:10 A.M.** **HEARING** to consider Street Name No. SNC-12-001 and related environmental finding, filed by the City of Fresno, Public Works Department, for the public street generally bounded by the San Joaquin River and the Veterans Boulevard alignment (***Property located in District 2***) – Development and Resource Management Department
Action Taken:
a. Adopt the environmental finding of Environmental Assessment No. SNC-12-001, a finding of No Possibility of Significant Adverse Effect for the project
Action Taken:
b. **RESOLUTION** - Approving Street Name Change No. SNC-12-001 to rename N. Bryan Avenue, from W. Alluvial Avenue south to approximately 800 feet southeast of N. Cresta Avenue, to N. Riverside Drive
Action Taken:
- 10:30 A.M.** **HEARING** to consider Rezone Application No. R-12-006, and Environmental Findings, filed by Lars Andersen and Associates, Inc., pertaining to approximately 1.32 acres of property located on the south side of E. Jensen Avenue between S. Elm Avenue and State Route 41 (***Property located in District 3***) – Development and Resource Management Department
Action Taken:
a. Consider and adopt the Environmental Finding of Conformity, to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 and the Mitigated Negative Declaration for Plan Amendment A-09-02 (Air Quality MND), prepared for Environmental Assessment No. R-12-006/S-12-069/VPM-12-014 dated November 30, 2012
action taken:
b. **BILL** – Amending the Official Zone Map to rezone the approximately 1.32 acre subject property from the M-1 (*light manufacturing*) zone district to the C-M (*commercial and light manufacturing*) zone district
Action Taken:
- 1:30 P.M.** **CLOSED SESSION**
- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** City of Fresno v. WCK, LLC, et al. Fresno County Superior Court Case No. 11CECG01669
Action Taken:
- B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b), deciding whether to intervene in litigation:
1. **Case Name:** Pacific Gas and Electric Company v. City of Fresno
Action Taken:

1:30 P.M.

CLOSED SESSION CONTINUED

C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** City of Fresno v. Kelly C. Broyles Construction, Inc. Fresno County Superior Court No. 11CECG03765
2. **Case Name:** Ted Isaacs v. City of Fresno and Jeffrey Thompson; Fresno Superior Court Case No. 09CECG01683
3. **Case Name:** City of Fresno v. Donald E. Jackley, et al. - Fresno County Superior Court Case No. 12CECG02346
Action Taken:

D. PUBLIC EMPLOYEE APPOINTMENT/EMPLOYMENT - Government Code Section 54957 (b) (1)

Title: City Attorney
Action Taken:

E. CONFERENCE WITH LABOR NEGOTIATOR – Government Code Section 54957.6

City Negotiator (s): Ken Phillips, Juanita Chavez

Employee Organizations:

1. IUOE, Stationary Engineers, Local 39 (L39)
2. Fresno City Employees Association (FCEA)
3. Fresno Police Officers Association (FPOA Basic)
4. International Association of Firefighters, Local 753 (Fire Basic)
5. Amalgamated Transit Union, Local 1027 (ATU)
6. International Brotherhood of Electrical Workers, Local 100 IBEW)
7. Fresno Police Officers Association (FPOA Management)
8. International Association of Firefighters, Local 753 (Fire Mgmt)
9. City of Fresno Professional Employees Association (CFPEA)
10. City of Fresno Management Employees Association (CFMEA)
11. Fresno Airport Public Safety Supervisors (FAPSS)

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

5:30 P.M. **HEARING** to consider Conditional Use Permit Application No. C-12-104 located at 5606 E. Kings Canyon Road (APN: 474-030-01) – Development and Resource Management Department
(Continue to February 14, 2013 at 10:00 a.m.)
Action Taken:

PLEASE NOTE: UNSCHEDULED COMMUNICATIONS IS NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Feb.	14 -	10:00 A.M.	CONTINUED HEARING to consider Conditional Use Permit Application No. C-12-104 located at 5606 E. Kings Canyon Road (APN: 474-030-01) – Development and Resource Management Department
Feb.	14 -	3:00 P.M.	CONTINUED HEARING to consider Plan Amendment Application No. A-12-03, Rezone Application No. R-12-004, and related finding for Environmental Assessment No. A-12-03/R-12-004, initiated by the Director of the Development and Resource Management Department for Phases 2A, 2B, 3, 4 and 5 of the El Paseo Master Plan Area located generally east of State Route 99, south of the alignment of W. Sierra Avenue, north of the W. Bullard Avenue alignment, and west of the N. Hayes Avenue alignment (Property located in District 2)
Feb.	21 -	NO MEETING – PRESIDENTS DAY	
Feb.	28 -	10:00 A.M.	HEARING to determine whether public necessity, health, safety or welfare requires the formation of Underground Utility District No. FRE-92
Feb.	28 -	10:15 A.M.	HEARING re: Rezone Application No. R-11-009, Plan Amendment A-11-007, filed by Indent Realty Partners, LLC
Mar.	7 -	8:30 A.M. MEETING	
Mar.	14 -	NO MEETING - RECESS	
Mar-	21-	1:30 P.M.	HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 48 (Final Tract Map No. 6003 and 6004) (Property located in District 6) (Southeast corner of E. Copper and N. Maples Avenues)